

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>RAYMOND SAMUEL DAVENPORT,</b>	:	<b>CIVIL ACTION</b>
<b>III</b>	:	
	:	
<b>v.</b>	:	<b>NO. 17-1616</b>
	:	
<b>POTTSTOWN HOSPITAL COMPANY</b>	:	
<b>LLC, <i>et al.</i></b>	:	

**ORDER**

**AND NOW**, this 6<sup>th</sup> day of October 2017, upon considering Defendants North Coventry Township, Jesse Smith, Victoria Hipple and Timothy Prouty's partial Motion to dismiss (ECF Doc. No. 40), Plaintiff's Response (ECF Doc. No. 44) and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' partial Motion to dismiss (ECF Doc. No. 40) is **GRANTED in part** and **DENIED in part**:

1. Plaintiff's §1983 claims under the First Amendment against North Coventry Township, Jesse Smith and Victoria Hipple (Count I) are **dismissed with prejudice**;

2. Plaintiff's §1983 claims under the Second Amendment against Jesse Smith and Timothy Prouty (Count III) are **dismissed with prejudice**;

3. Plaintiff's supervisory liability claim against the Township (Count IV) is **dismissed**;

4. Plaintiff's Religious Freedom Restoration Act claim against the Township (Count V) is **dismissed with prejudice**;


5. Plaintiff's malicious prosecution claim against Jesse Smith (Count IX) is **dismissed with prejudice**;

6. Plaintiff's intentional infliction of emotional distress claim against the Township

(Count X) is **dismissed with prejudice**;

7. We **dismiss** the Township; and,

8. Plaintiff may proceed on his §1983 Fourth Amendment claim against Jesse Smith (Count II) and intentional infliction of emotional distress claim against Jesse Smith, Victoria Hipple and Timothy Prouty (in Count X) who shall answer the Second Amended Complaint on or before **October 20, 2017**.

  
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KEARNEY, J.